

## REMARKS

The office action and the references cited therein have been carefully considered together with the present application, and minor corrections have been made to claims 23 and 28 in the manner as suggested by the examiner. It is noted that claims 3-6, 9, 10, 14-18 and 21 have only been objected to as being dependent upon a rejected base claim. It is also noted that claims 25-27 were indicated to be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112. Only claim 25 has been rewritten in independent form, because it is believed that the original claims are not anticipated, taught or suggest, as will be discussed. It is also noted that the examiner's drawing objection has been traversed as a result of an interview with the examiner who now has confirmed that acceptable drawings are acknowledged to be on file.

The examiner has rejected claims 22-29 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, specifically indicating three purported instances of such failure. The examiner states that in claim 22, lines 8-9, "a selector mechanism . . . including a swivel bracket mechanism" has no support in the original specification. Claim 22 has been amended to traverse this rejection by deleting the word "including" from this claim as suggested by the examiner. With regard to claim 28, a similar amendment has been made to delete the recitation that said selector mechanism has a rocker member. With regard to claim 29, a drive mechanism is described which is believed to be supported by at least the description at page 3, line 13-18, which includes, among other stated structure, a main linkage connected to the power

source and to a blade for driving the blade in a vertical reciprocating motion, as well as a swivel bracket connected to the foot plate and disposed to exert an orbital force to the rear edge of the blade. In view of this disclosure and the detailed descriptions set out in the specification, it is believed that this element of the claim is enabled and that the rejection of claim 29 is traversed.

With regard to claims 22-29 being rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, the above-described and examiner suggested amendments have been made to claims 22 and 28. Applicants believe claim 29 is not indefinite as set forth above.

The examiner has rejected claims 1-7, 8, 11-13, 19, and 20 as being anticipated by Walton. It is respectfully submitted that Walton, applied singularly or in combination with any of the other prior art of record, fails to anticipate, teach or suggest these claims, particularly independent claim 1. The specification of the present application on page 8, lines 18-20 states that a swivel linkage including a swivel bracket 82 is connected to the foot plate and is disposed to exert an orbital force to a rear edge 84 of the blade 26. The summary of the invention on page 3, lines 2-11, states that, "among other things, the present tool is designed to provide operational support for the plunger and more effective generation of the orbital blade motion. . . The latter advantage obtained in part by mounting a swivel bracket *on the foot plate* for more direct application of orbital force to the point of cutting action. Also, a linkage is provided which selectively enables both scroll cutting and orbital cutting motion."

The description of having the swivel bracket connected to the foot plate is not taught or suggested by Walton or any of the other art of record. While the examiner has indicated that Walton has a swivel bracket “*indirectly* connected to the foot plate”, applicants dispute the accuracy of this characterization as Fig. 12 of Walton shows a foot plate 24 that is entirely separate from the mechanism that includes the roller 94 that contacts the blade 86. It is undisputed that the final element of claim 1 specifically and clearly recites “a swivel bracket connected to said foot plate and disposed to exert a force to the rear edge of the blade.” Since Walton does not operate in this manner, it is believed that this claim is neither anticipated, taught or suggested by Walton.

The examiner has rejected claims 22-24, 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Hartmann in view of Walton. The examiner states that Hartmann lacks a rocker member selectively positioned for exerting a force to the rear edge of the blade but that it would have been obvious to modify Hartmann by providing the jigsaw with a force exerting swivel bracket to facilitating controlling the orbital movement of the blade as taught by Walton.

As the examiner has no doubt realized from searching the prior art for this application, there have been jigsaws with scrolling capability for some time, and there have been jigsaws that exhibited orbital cutting action for some time, but the present application is the first jigsaw that has been invented that combines the features of providing orbital cutting action together with exerting a force to a rear edge of a blade.

Applicants strongly submit that such a combination is not obvious to one of ordinary skill in the art. A jigsaw with a scrolling capability has never been implemented with an orbital capability in a manner in which force orbital force is applied to the rear edge of the blade as opposed to the plunger which carries the blade. If it has been really obvious to one of ordinary skill in the art, it would have been done years ago. It is submitted that the subject matter of claim 22 is real invention and the examiner's conclusory remarks that it would merely have been obvious to modify Hartmann lacks credibility, common sense and logic.

Since neither Walton nor Hartmann have orbital as well as rotational movement, there would have been no need or use for a selector mechanism for selecting scrolling and orbital movement as claimed in claims 22, 28 and 29. If the examiner were to further speculate that in addition to being obvious to modify these references to combine them, and then as a result of the combination, it would have been obvious to provide a selector mechanism to select between pivotal and rotational movement, that would be a perfect heightened example of hindsight reconstruction that the Court of Appeals for the Federal Circuit has indicated as improper in many decisions. These independent claims are not taught or suggested by Walton and Hartmann, applied singularly or in combination, and should be allowed.

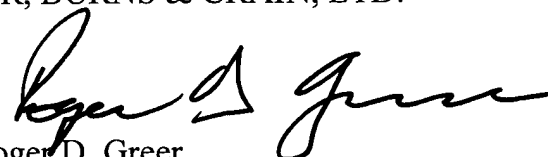
Since the examiner has indicated allowable subject matter as contained in many of the claims, claim 25 has been rewritten to place it in independent form. However, the independent claims that have been discussed above are maintained for the

reason that it is strongly believed that these are not met by the prior art of record and therefore should also be allowed. Further, the examiner has recognized invention with regard to many of the dependent claims and the claims should be allowed for that reason and for the reason that they incorporate the subject matter of the independent claims from which they depend.

For the foregoing reasons, reconsideration and allowance of all pending claims is respectfully requested. If issues can be resolved, the examiner is invited to contact the undersigned at the examiner's convenience.

Respectfully submitted,

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